

## R E M A R K S

Claims 1 to 9, 11 to 24 and 29 to 45 are in the case.

With this amendment, Applicant has amended Claims 1 and 29 to recite that the bore has a portion thereof sized such that support is provided to the conduit.

Claim 1 and 29 have also been amended to recite the biasing member which is mounted within a second portion of the bore and which is designed to exert pressure on the conduit when the conduit is in the activated position.

Claims 7 and 35 have been amended to take into account the amendments to Claims 1 and 29 respectively.

Claims 1, 2, 11, 14, 21, 29, 30, 37 and 39 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable under Genese in view of Arnissolle. Reconsideration of this rejection is respectfully requested in view of the following comments.

In response to Applicant's previous arguments, the Examiner has stated that it would be obvious to modify the closed end of the vessel of Genese in order to provide a reduced size neck portion. The Examiner has justified such an argument based on an assertion that the reduced diameter neck would accept a member to allow it to be easily moved between the two axial positions. It is not understood why such an arrangement would be employed since Genese teaches that it is easy to move small volume container 42 by placement of one's thumb on the end 47 of vial 42 and the finger grip 50 and 51. Since Genese teaches that such an operation is easy to accomplish, it is not seen where there would be any motivation to provide the reduced diameter neck as suggested by

the Examiner.

Furthermore, with this amendment, Applicant has stated that the bore has a portion thereof which is of a diameter such that it will support the conduit. Clearly this is not the case with Genese.

Still further, Claim 1 calls for a biasing member which is mounted within a second portion of the bore and which is designed to exert pressure on the conduit when the conduit is in the activated position. The prior art is silent with respect to such a member.

Claim 29 is believed to be allowable for the same reasons advanced regarding the allowability of Claim 1.

With respect to the Examiner's comments in paragraph 4, Applicant is unable to locate any teaching in Genese that a hollow needle can be attached thereto. The Examiner's attention is directed to Figure 5 which is the final position of the syringe and it is not seen where there is any provision for the attachment of a needle. Rather, Genese uses the same needle 23 which was used for transfer of the pharmaceutical components. As Applicant has previously pointed out, such an arrangement is basically unsanitary and would never receive approval for use. Furthermore, the arrangement would be one in which more pain is caused to the patient since the piercing of the stopper will remove the finish from the needle and thus would be more painful for the patient being injected.

Claims 1 to 4, 9, 11 to 13, 21, 29 to 32, 37 and 38 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Haber et al in view of Genese and further in view of Arnissolle. Reconsideration of this rejection is respectfully requested.

As Applicant has pointed out in his previous amendment, the piston of Haber cannot

respond to the limitation of Claim 1 which calls for the slidable piston to be positioned within the body of the vessel through the open end. There is no piston within the body of the vessel of Haber et al.

The Examiner has relied on Genese to show a piston within a vessel. However, putting a piston within the vessel of Haber et al will accomplish absolutely nothing and would, as a matter of fact, interfere with the operation of the device. Indeed, the desirability of such an arrangement would be completely contrary to the teachings of Haber et al.

It will be noted that Haber et al does not teach a conduit which is slidable within the bore. Furthermore, Haber et al does not teach a biasing member mounted within a portion of the bore and which is designed to exert pressure on the conduit when the conduit is in an activated position.

Claim 29 is believed to be allowable for the reasons advanced regarding the allowability of Claim 1.

As one of the limitations added to Claim 1 is essentially that of old Claim 7, Applicant notes that the Examiner relies on the teachings of Haining. As indeed noted by the Examiner, Haining discloses a vial adapter which includes a spring and which provides an upward force to bias the seat from an open to a closed position. It is understood that the springs are a well-known device, however, there is not believed to be any support for the Examiner's statement that it would have been obvious to modify the device of Haber with a resilient biasing spring of Haining to cause the device to return to the retracted position quickly. This statement is not understood since Haber does not return to a retracted

position. Accordingly, there would be no motivation to provide such an arrangement.

It is now believed that the application is in order for allowance and such action is respectfully solicited.

Respectfully,



Eric Fincham

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